

UTAH PIPE TRADES PENSION AND WELFARE TRUST FUNDS (“Trusts”) COLLECTIONS POLICY


The law requires that the Trustees of the Trusts make systematic, reasonable, and diligent efforts to collect delinquent contributions. To that end, they establish the following Collections Policy, effective June 1, 2014:

1. All employer contributions shall be made monthly and shall be due in full, along with the completed employer report, on or before the 10th day of the month after the month of work. An employer contribution and report is delinquent if not received by the Administrative Office for the Trusts by such date.
2. If an employer contribution and/or report has not been received by the Administrative Office by the 25th day of the month after the month of work, the employer owes interest at the rate of 1% per month (accruing from the date of the delinquency) plus liquidated damages in the amount of 10% of the delinquency for such month, or, if greater, \$150. (If the Trustees have filed a lawsuit against the employer, the amount of liquidated damages shall increase, as described in paragraph 5, below.) The Trustees may require a delinquent employer post a bond as security for past due and/or future contributions.
3. If an employer contribution and/or report has not been received by the Administrative Office by the 25th day of the month after the month of work, then as soon as administratively practicable thereafter the Administrative Office shall notify each delinquent employer by letter that their contributions and/or reports are delinquent, and that liquidated damages and interest have been assessed. The letter will inform the employer that the Administrative Office must receive the amounts owing and the reports within fifteen (15) days after the date of the letter. The letter will also advise the employer of the right to appeal the assessment to the Board of Trustees or a designated committee thereof.
4. If the employer fails to submit the required reports and remit the contributions, interest and liquidated damages due within the time required by the letter in paragraph 3, the Administrative Office will so notify Legal Counsel and the Trustees (or a designated committee thereof). If so instructed by the Trustees (or a designated committee thereof), Legal Counsel will send the employer a letter demanding payment of the amounts owing and submission of the required reports within ten (10) days after the date of the letter.
5. If the employer fails to submit the required reports and remit the contributions and interest due within the time required by the letter in paragraph 4, the Trustees may sue the delinquent employer and/or take other action they deem appropriate. If a lawsuit is filed, the employer will owe, in addition to all delinquent contributions and interest: liquidated damages in the amount of 20% of the delinquency (provided that liquidated damages for each month for which contributions are delinquent shall be at least \$150), and attorney’s fees, costs, and audit fees incurred in efforts to collect the amounts owing and/or obtain completed reports.
6. The Trustees have the right, in their sole discretion, and in circumstances they deem appropriate, to waive payment of part or all of the liquidated damages, interest, attorney’s fees, costs and/or audit fees upon the employer’s written request for waiver. If the Trustees waive such payment and the employer is again delinquent within 12 months of

the date the waiver was granted, all amounts previously waived will be reinstated. Any reinstated interest will accrue from the date of the delinquency to which it relates.


7. Participants do not accrue benefits under the Welfare Trust Fund to the extent that contributions are not paid for covered hours. If the Trustees are presented with convincing proof an employee would be entitled to coverage but for an employer's delinquency, the Welfare Trust Fund will credit the employee with up to 140 covered hours in each of two consecutive months. Such credit shall be made for the earliest delinquencies, and no more than once in a 12-month period. No additional credit will be granted unless the Administrative Office receives the contributions owed.
8. Employer contributions are credited first to the earliest delinquencies, unless the Trustees approve a different crediting method. The Trustees will generally not approve a different crediting method unless the Trust has executed a separate agreement related to contributions owed or work on an identified project.
9. The Trusts may join and coordinate with each other, other trusts, or other entities in collection matters. To the extent the Trusts join together in collecting delinquent contributions, any recovered attorney's fees, expenses, and other collection costs are treated as payable pro rata contributions owed to each of the Trusts.

UTAH PIPE TRADES PENSION TRUST AND WELFARE TRUST FUNDS



Chairman – John Wadlow

3-5-14
Date



Co-Chairman – Robert Bergman

3/5/14
Date